

**DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY**  
(Under 37 CFR § 1.63; includes reference to PCT International Applications)

FROMMER LAWRENCE & HAUG LLP  
File No.: 144002-2001

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and only inventor of the subject matter which is claimed and for which a patent is sought on the invention ENTITLED:

**METHOD OF TREATING ANEMIA CAUSED BY RIBAVIRIN TREATMENT  
OF HEPATITIS C USING ERYTHROPOIETIN ALPHA**

the specification of which:

X is attached hereto  
— was filed on \_\_\_\_\_ as Continuation-In-Part Application to:  
— United States Application Serial No.  
     PCT Application No.  
     with amendments through date even herewith (if applicable, give details).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code §119 of any foreign application(s) for patent or inventors' certificate or of any PCT International application(s) designating at least one country other than the United State of America listed below and have also identified below any foreign application for patent or inventors' certificate or any PCT International applications designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) on which priority is claimed:

Prior Foreign/PCT Application(s) [list additional applications on separate page]: Priority Claimed:

I hereby claim the benefit under Title 35, United States Code § 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S. (or U.S.-designating PCT) Application(s) [list additional applications on separate page]:

DECLARATION FOR PATENT APPLICATION  
AND POWER OF ATTORNEY (Under 37 CFR §1.63)

H Docket No. 144002-2001

I hereby appoint Edgar H. Haug, Registration No. 29,309, Thomas J. Kowalski, Registration No. 32,127, Grace L. Pan, Registration No. 39,440, and Frommer Lawrence & Haug LLP, or their duly appointed associate, my attorneys or agents, with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to file continuation and divisional applications thereof, to receive the Patent, and to transact all business in the Patent and Trademark Office and in the Courts in connection therewith, and specify that all communications about the application are to be directed to the following correspondence address:

Grace L. Pan, Esq.  
c/o Frommer Lawrence & Haug LLP  
745 Fifth Avenue  
New York, NY 10151

Direct all telephone calls to: (212) 588-0800  
to the attention of:  
Grace L. Pan, Esq.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**INVENTOR(S):**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full name of sole or first inventor: Douglas T. Dieterich  
Residence: 227 East 19<sup>th</sup> Street, New York, NY 10003  
Citizenship: United States of America

NOTE: In order to qualify for reduced fees available to Small Entities, each inventor and any other individual or entity having rights to the invention must also sign an appropriate separate "Verified Statement (Declaration) Claiming [or Supporting a Claim by Another for] Small Entity Status" form [e.g. for Independent Inventor, Small Business Concern, Nonprofit Organization, Individual

Applicant or Patentee:

Douglas T. Dieterich

FROMMER LAWRENCE &

HAUG LLP

File No.: 144002-2001

Serial or Patent No.:  
Filed: May 21, 2001

Not Yet Known

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For: Method of Treating Anemia Caused by Ribavirin Treatment of Hepatitis C Using Erythropoietin Alpha

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(b)) - INDEPENDENT INVENTOR**

As a below-named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention, entitled **Method of Treating Anemia Caused by Ribavirin Treatment of Hepatitis C Using Erythropoietin Alpha** described in application Serial No. (Not Yet Known), filed **May 21, 2001**

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below.

no such person, concern, or organization  
 persons, concerns or organizations listed below\*

Full Name:

Address:

Individual       Small Business Concern       Nonprofit Organization

Full Name:

Address:

Individual       Small Business Concern       Nonprofit Organization

Full Name

Address

Individual       Small Business Concern       Nonprofit Organization

\* NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities (37 CFR 1.27).

**Applicant or Patentee:**

**Douglas T. Dieterich**

**FROMMER LAWRENCE &  
HAUG LLP**

**Serial or Patent No.:**  
**Filed: May 21, 2001**

**Not Yet Known**

**File No.: 144002-2001  
Page 2 of 2**

**For: Method of Treating Anemia Caused by Ribavirin Treatment of Hepatitis C Using Erythropoietin Alpha**

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

**Douglas T. Dieterich**

Name of Inventor

Name of Inventor

Name of Inventor

Signature of Inventor

Signature of Inventor

Signature of Inventor

**May 21, 2001**

Date

Date

Date